

Message Text

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PAGE 01 STATE 050262
ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 L-03 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 /033 R

DRAFTED BY EB/AN:WARILEY:VLV
APPROVED BY EB/AN:RABROWN
EUR/EE - SFROMOWITZ
CAB - RMILLER

-----072343Z 063395 /66

P 072217Z MAR 77
FM SECSTATE WASHDC
TO AMEMBASSY BUCHAREST PRIORITY

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E.O. 11652: N/A

TAGS: EAIR, RO

SUBJECT: CIVAIR - US-ROMANIAN AGREEMENT

REF: BUCHAREST 1356

1. SUMMARY. DEPT WELCOMES DISCUSSION OF EMBASSY CONCERNS
EXPRESSED REFTEL BUT IS NOT PERSUADED OF UTILITY OF GOVERN-
MENTAL NEGOTIATIONS AT THIS TIME. END SUMMARY.

2. DEPT SUGGESTION OF INTER-AIRLINE DISCUSSIONS AS METHOD
TO RESOLVE FUNDAMENTAL IMBALANCE OF ECONOMIC BENEFITS IN
US-ROMANIAN CIVIL AVIATION RELATIONS WAS MADE AFTER CON-
SIDERATION OF FOLLOWING FACTORS:

A. SMALL ROMANIAN MARKET (AND LARGELY US-ORIGIN TRAFFIC)
IS NOT CONDUCTIVE TO GOVERNMENTAL NEGOTIATION OF MARKET
SHARE (UNLIKE CASE IN POLAND);

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B. TAROM'S OPERATIONS (ONE FLIGHT PER WEEK) PROVIDE LITTLE
USG LEVERAGE ON GOR, SHORT OF TERMINATING THE AGREEMENT;
AND

C. ROMANIAN ECONOMIC SYSTEM OFFERS LITTLE OPPORTUNITY FOR
PAN AM TO COMPETE EFFECTIVELY FOR ROMANIAN-ORIGIN MARKET.

FURTHERMORE, PAN AM BELIEVES TAROM UNDERTAKINGS OF JANUARY 26--COUPLED WITH PROSPECT FOR PAN AM PARTICIPATION IN ROMANIAN-ORIGIN CARGO CHARTERS--ARE SATISFACTORY.

3. DEPARTMENT'S VIEWS ON THREE CONCERNS IDENTIFIED BY EMBASSY (PARA 2 REFTEL) AS JUSTIFYING NEGOTIATIONS, ARE AS FOLLOWS:

A. DEPARTMENT SEES NO NEED FOR CIVIL AVIATION NEGOTIATIONS SOLELY TO DEMONSTRATE USG DETERMINATION TO REDRESS IMBALANCE THROUGH SALES QUOTA AND BELIEVES EMBASSY AND DEPARTMENT CAN PERSUADE ROMANIANS THROUGH DIPLOMATIC CHANNELS THAT WE INTEND THE SALES QUOTA TO BE AN EFFECTIVE REMEDY FOR IMBALANCE OF SALES IN ROMANIA.

B. PAN AM INTEREST IN FULL IMPLEMENTATION OF ARTICLE XIV HAS LESSENER. IT DOES NOT APPEAR THAT AN OPPORTUNITY FOR PAN AM TO SELL ITS SERVICES FOR ROMANIAN CURRENCY WOULD BE SUFFICIENT IN ITSELF TO REDRESS THE IMBALANCE OF BENEFITS, SINCE TAROM WOULD PRESUMABLY REMAIN PAN AM'S GENERAL SALES AGENT AND COULD ACT IN OTHER THAN PAN AM'S BEST INTEREST.

C. PAN AM NYC ADVISES THAT ITS AIRPORT-RELATED OPERATIONAL PROBLEMS APPEAR TO BE SOLVED, THANKS IN GOOD MEASURE TO EMBASSY ASSISTANCE. WHILE WE DO NOT THINK IT IS NECESSARY TO HAVE CIVIL AVIATION NEGOTIATIONS TO DISCUSS THIS MATTER, WE PROPOSE IN OUR NOTE TO MAKE IT MANDATORY FOR TAROM TO USE PAN AM AS ITS GROUND HANDLING AGENT IN THE U.S. THIS LIMITED OFFICIAL USE

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WOULD PROVIDE PAN AM WITH SOME LEVERAGE IN THIS AREA.

4. WITH REGARD TO EMBASSY COMMENTS IN PARA 3 OF REFTEL, DEPARTMENT DOES NOT CONSIDER EXTENSION AS SIGNALING LACK OF USG INTEREST IN FULL IMPLEMENTATION OF SALES QUOTA BY TAROM AND GOR, AND WE ARE SURE EMBASSY WILL HELP TO DISABUSE ROMANIANS OF ANY SUCH INFERENCE. WE EXPECT GOR TO LIVE UP TO COMMITMENTS SET OUT IN ANY EXTENDED ATA. PAN AM INTENDS TO MONITOR THE IMPLEMENTATION OF THE SALES QUOTA CAREFULLY, AND, SHOULD IT BECOME NECESSARY, USG WOULD BE PREPARED TO MAKE REPRESENTATIONS ON PAN AM'S BEHALF. DEPT BELIEVES BURDEN OF MAINTAINING BILATERAL IS ON ROMANIAN SIDE AND THAT USG WILL HAVE SUFFICIENT NEGOTIATING STRENGTH WITH OPTION TO TERMINATE AGREEMENT AFTER 60 DAYS NOTICE IF FIRST YEAR SALES QUOTA PERFORMANCE IS UNSATISFACTORY.

5. RE EMBASSY MISGIVINGS PARA 5 REFTEL, NO MAJOR MODIFICATION TO AGREEMENT OTHER THAN ADDITION OF PAN AM/TAROM UNDERSTANDINGS AND DESIGNATION OF PAN AM AS GROUND HANDLING

AGENT FOR TAROM ARE CONTEMPLATED. EMBASSY ASSESSMENT OF ROMANIAN "FORM" (PARA 5) MAY PROVE CORRECT BUT OUR INITIAL

READING FROM CONTACT WITH ROMANIAN EMBASSY INDICATES OUR PROPOSAL IS ACCEPTABLE. WE HOPE TO EFFECT EXCHANGE OF NOTES AS SOON AS POSSIBLE, BUT IF ROMANIANS SAY THEY NEED MORE TIME TO CONSIDER OUR NOTE OR PRESENT COUNTER PROPOSAL TO WHICH WE CANNOT REPLY BY MARCH 31, TEMPORARY EXTENSION WOULD NOT BE NEEDED FROM USG POINT OF VIEW. ADMINISTRATIVE PROCEDURES ACT PERMITS CONTINUED OPERATION OF TAROM FLIGHTS INTO US UNDER VALID FOREIGN AIR CARRIER PERMIT AND AGREEMENT COULD BE EXTENDED RETROACTIVELY TO MARCH 31 AS HAS BEEN DONE IN MANY OTHER CASES. NEVERTHELESS, WE WILL DO OUR BEST TO PRESENT US NOTE BY END OF WEEK.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, AGREEMENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 07-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE050262
Document Source: CORE
Document Unique ID: 00
Drafter: WARILEY:VLV
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770078-0562
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770385/aaaacwyk.tel
Line Count: 130
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 9d4381bc-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 BUCHAREST 1356
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3184225
Secure: OPEN
Status: NATIVE
Subject: CIVAIR - US-ROMANIAN AGREEMENT
TAGS: EAIR, RO, US
To: BUCHAREST
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/9d4381bc-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009